

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

PAUL SUTHERLAND PHOTOGRAPHY LLC

ECF CASE

Plaintiff,

07 CV 3748
(Judge Rakoff)

-against-

THE MCGRAW HILL COMPANIES and
DR. LEWIS KOHL

Defendants.

-----x

ANSWER TO CROSS-CLAIM OF DR. LEWIS KOHL
AND CROSS-CLAIM AGAINST DR. LEWIS KOHL

Defendant, The McGraw-Hill Companies, Inc., by its attorneys, Cowan, Liebowitz & Latman P.C., for its Answer to Cross-Claim of Dr. Lewis Kohl ("Kohl") and Cross-Claim against Kohl:

1. Denies the allegations contained in the unnumbered paragraph titled "AS AND FOR A CROSS-CLAIM AGAINST THE CO-DEFENDANT MCGRAW HILL."

As to the Prayer for Relief

2. Co-Defendant Kohl is not entitled to any of the relief requested in the Cross-Claim as against Defendant McGraw-Hill.

Affirmative and Other Defenses

3. The Cross-Claim (and each Claim therein) fails to state a claim or cause of action on which relief can be granted.
4. The Cross-Claim (and each Claim therein) is barred, in whole or in part, by unclean hands, estoppel, waiver, license, implied consent, ratification and/or acquiescence.
5. The Cross-Claim (and each Claim therein) is barred by Cross-Claimant's breach of contract with Defendant McGraw-Hill.

Cross-Claim Against Dr. Lewis Kohl

1. By reason of Kohl's contractual agreements as well as implied and express warranties, McGraw-Hill is entitled to complete indemnification by Kohl for any losses, expenses, fees or costs arising out of or in connection with the claims in this action.

WHEREFORE, Defendant The McGraw-Hill Companies, Inc. (sued herein as shown in the caption), demands judgment that

- A. the Cross-Claim be dismissed with prejudice;
- B. McGraw-Hill be awarded from Co-Defendant Kohl any and all losses and expenses it incurs arising out of or in connection with the claims in this action; and

C. McGraw-Hill be awarded from Co-Defendant Kohl its full costs, including reasonable attorney's fees, and be granted such other relief as the Court may deem just and proper.

Dated: New York, NY
July 18, 2007

s/ Richard Dannay
Richard Dannay (RD-9407)
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 Avenue of the Americas
35th Floor
New York, NY 10036-6799
Phone (212) 790-9200
Fax (212) 575-0671

Attorneys for Defendant
The McGraw-Hill Companies, Inc.

TO: Gustavo L. Vila
KUCZINSKI, VILA & ASSOCIATES, LLP
Attorneys for Defendant Dr. Lewis Kohl
220 White Plains Road, 2nd Floor
Tarrytown, New York 10591

Edward C. Greenberg, P.C.
Attorney for Plaintiff
570 Lexington Avenue
17th Floor
New York, NY 10022
Phone (212) 697-8777